

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES TAYLOR,

Petitioner,

No. 05-70966-DT

vs.

Hon. Gerald E. Rosen

HELEN J. MARBERRY,

Respondent.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND  
DISMISSING PLAINTIFF'S HABEAS CORPUS ACTION

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on October 5, 2005

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

This matter having come before the Court on the September 14, 2005 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court deny Charles Taylor's petition for a writ of habeas corpus, and that this case, accordingly, be dismissed; and Petitioner having timely filed Objections to the Report and Recommendation;<sup>1</sup> and the Court having reviewed the Magistrate Judge's Report and Recommendation, Petitioner's Objections thereto, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, the petition

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<sup>1</sup> Petitioner's Objections are captioned as a "Motion to Object to Magistrate's Report and Recommendation."

for habeas corpus relief should be denied; and the Court being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of September 14, 2005 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Charles Taylor's petition for habeas corpus relief be, and hereby is DENIED and the above-captioned case, therefore, is DISMISSED.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, pursuant to 28 U.S.C. § 2243(c), no certificate of appealability should issue for purposes of appeal of this matter. The Court will also deny Petitioner leave to appeal *in forma pauperis*. A habeas petitioner seeking to appeal the denial of a habeas petition will not be permitted to proceed *in forma pauperis*, where the appeal would be frivolous. *Hence v. Smith*, 49 F. Supp. 2d 547, 549 (E.D. Mich. 1999).

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: October 5, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 5, 2005, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager